

Claim 1 has been amended to characterize the cooling manifold as including a lower surface facing the upper surface outside of the cooking enclosure, and the plurality of air outlets as being arranged in the lower surface.

Applicants respectfully traverse the rejection of claim 1 as anticipated by Erickson et al. 5,465,651. Erickson et al. does not disclose or suggest a cooling manifold including a lower surface facing an upper surface outside of a cooking enclosure, let alone a plurality of air outlets arranged in such a lower surface to direct a cooling air flow from a fan chamber towards the upper surface of the cooking enclosure, as recited in amended claim 1. Accordingly, the rejection of claim 1 should be withdrawn and the claim allowed.

Applicants respectfully traverse the rejections of claims 2 and 12-14 as unpatentable over Erickson et al. in view of Song 5,404,420.

With respect to claim 2 dependent on claim 1, as discussed above in connection with amended claim 1, Erickson et al. does not to disclose a cooling manifold including a lower surface facing an upper surface outside of a cooking enclosure, and a plurality of air outlets arranged in the lower surface to direct the cooling air flow from a fan chamber toward the upper surface of the cooking enclosure, as recited in amended claim 1. Accordingly, for this reason alone, the rejection of claim 2 dependent from claim 1 should be withdrawn. Additionally, claim 2 recites an electric infrared heating element made of incoloy 840 coated with a coating material, with the main components of the coating material being SiO_2 , TiO_2 , and Al_2O_3 . The rejection's conclusory and unsupported allegation that "it would be obvious to so form the heater of Erickson et al. to

provide a durable IR emitter 11 is completely insufficient to provide the factual basis required to support a prima facie case of obviousness under 37 C.F.R. §103. See M.P.E.P. §2143. The Examiner has failed to cite a single reference suggesting that an infrared heating element comprising the materials recited in claim 2 would result in "a durable IR emitter" for use in the cooker of Erickson et al. as alleged in the rejection. Accordingly, for this additional reason, the rejection of claim 2 is improper and should be withdrawn.

Independent claim 12 recites an electric oven comprising an oven pan including a lip defining an outer periphery of the oven pan, and a pair of retractable handles mounted to the lip for movement between a first position where the handles are extended from the lip so that a user may grasp the handles to remove the pan from a base and a second position where the handles are retracted toward the lip to allow an oven housing to be positioned above the oven pan without interfering with the handles. Claim 13 depends from claim 12 and characterizes each of the handles as having a pair of legs extending from a grasping member, with each of the legs received in a guide hole formed in the lip to guide the handles between the first and second positions and each of the legs terminating in a tab that engages the lip with the handle in the first position. Amended claim 14 depends from claim 13 and further characterizes each of the handles as comprising a unitary piece of wire that is bent to form the grasping member, the legs, and the tabs.

The rejection's conclusory and unsupported allegation that retractable handles are notoriously old and well-known in the art is completely insufficient to provide the factual basis

required to establish a prima facie case of obviousness under 37 C.F.R. §103. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." M.P.E.P. §2143.03. Citing *In re Royka*, 490 F.2d 981, (CCPA 1974). There is nothing in the rejection that addresses the specific structure for the handles recited in claims 12-14. For example, there is nothing in the rejection that addresses the mounting of a pair of retractable handles to a lip of an oven pan, as recited in claim 12. By way of further example there is nothing in the rejection that addresses a handle including a pair of legs, with each of the legs received in a guide hole formed in the lip to guide the handles between first and second positions, as recited in independent claim 13. By way of further example, there is nothing in the rejection that addresses a handle comprising a unitary piece of wire that is bent to form a grasping member, legs, and tabs as recited in dependent claim 14. Thus, the rejection fails to address the structure recited in claims 12-14, let alone allege that such structure is taught or suggested by the prior art. Accordingly, the rejection of claims 12-14 is improper and should be withdrawn.

If the Examiner maintains a rejection of claims 12-14 in a future office action, applicants respectfully request that the Examiner address the structures recited in the claims and provide evidence for the factual basis required to establish a prima facie case of obviousness under 37 C.F.R. §103 pursuant to the standards set forth in M.P.E.P. §2143.

Claim 19 has been added, and is directed towards a electric oven including a cooking enclosure with an opening therein, and a power head detachably connected to the cooking enclosure and having a heating unit extending into the cooking enclosure through the opening, with heating unit including an electric infrared heating element made of incoloy 840 coated with a coating material, with the main components of the coating material being SiO_2 , TiO_2 , and Al_2O_3 .

In view of the foregoing, applicants respectfully request reconsideration of the objections to claims 3 and 4, reconsideration of the rejection of claims 1, 2 and 12-14, consideration of added claim 19, and allowance of the case.

Respectfully submitted.



Jeffery N. Fairchild
Registration No. 37,825

Date: March 13, 2000

WOOD, PHILLIPS, VAN SANTEN,
CLARK & MORTIMER
500 West Madison Street
Suite 3800
Chicago, IL 60661
(312) 876-1800